

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J. by her next friend and)
mother, HEATHER JACKSON,)
Plaintiff,)
vs.) Case No.
WEST VIRGINIA STATE BOARD OF) 2:21-cv-00316
EDUCATION, HARRISON COUNTY)
BOARD OF EDUCATION, WEST)
VIRGINIA SECONDARY SCHOOL)
ACTIVITIES COMMISSION, W.)
CLAYTON BURCH in his official)
capacity as State)
Superintendent, DORA STUTLER,)
in her official capacity as)
Harrison County)
Superintendent, and THE STATE)
OF WEST VIRGINIA,)
Defendants.)
And)
LAINEY ARMISTEAD,)
Defendant-Intervenor.)

REMOTE VIDEOTAPED DEPOSITION OF
DORA STUTLER

AND

DAVE MAZZA

Tuesday, March 8, 2022

Volume I

Reported by:

ALEXIS KAGAY, CSR No. 13795

Job No. 5079542

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1 had someone that presented to my board, but he did
2 all the legislative updates, like we would with any
3 legislative session, to inform my board.

4 (Exhibit 25 was marked for identification
5 by the court reporter and is attached hereto.) 02:01:04

6 BY MS. REINHARDT:

7 Q Understood. If you could go into the "Marked
8 Exhibits" folder, I'm going to introduce a document
9 that's been marked as Exhibit 25.

10 Please let me know when you have that up. 02:01:18

11 A I see that.

12 Q And for now, we're just going to be looking
13 at that first page.

14 Have you seen this e-mail before?

15 A I had not seen that e-mail until counsel 02:01:58
16 shared that.

17 Q What is WVASA?

18 A That is the West Virginia association of
19 superintendents.

20 Q And are you a member of that Listserv? 02:02:12

21 A I am.

22 Q Thank you. Now, if you wouldn't mind, I
23 would also like to ask you who Sarah Starkey is.

24 A She's our county Title IX investigator.

25 Q And who is Kenneth Winkie? 02:02:36

1 A No.

2 MS. DENIKER: Objection.

3 THE WITNESS: No.

4 BY MS. REINHARDT:

5 Q Have you -- have you, Superintendent Stutler, 03:22:38
6 interacted with any of B.P.J.'s family members?

7 A I have not.

8 Q When was the county board informed that
9 B.P.J. is a girl who is transgender?

10 MR. TRYON: Objection. 03:22:58
11 David Tryon.

12 THE WITNESS: Our county board gets
13 involved -- or my Title IX investigator gets
14 involved when a school reaches out to her to provide
15 assistance for a gender support plan. 03:23:12

16 BY MS. REINHARDT:

17 Q Great. And I'll have some questions about
18 the gender support plan in a moment.

19 I'm wondering, was the county board informed
20 that B.P.J. is a girl who is transgender only at the 03:23:24
21 time of the gender support plan?

22 MR. TRYON: Objection.

23 THE WITNESS: I am unaware of any time prior
24 to that.

25 ///

1 BY MS. REINHARDT:

2 Q Thank you. Was Norwood Elementary School
3 informed that B.P.J. is a girl?

4 MS. DENIKER: Objection to the form.

5 MR. TRYON: Objection. 03:23:52

6 THE WITNESS: Speaking with Tarra Shields,
7 the administrator of Norwood Elementary, she was
8 informed by her mother prior to going into her
9 fourth-grade year.

10 BY MS. REINHARDT: 03:24:13

11 Q Was anyone else informed that B.P.J. is a
12 girl, at Norwood Elementary School?

13 MR. TRYON: Objection.

14 THE WITNESS: I believe when the mother
15 reached out to the administrator, that is what set 03:24:25
16 in motion the gender support plan, and that's when
17 our Title IX director was brought into the process.

18 BY MS. REINHARDT:

19 Q Are you familiar with the counselors at
20 Norwood Elementary School during B.P.J.'s time there 03:24:44
21 as a student?

22 A Yes. Amber Davis.

23 Q Do you know who James Thorton is?

24 A No. There was a previous counselor there,
25 Josh Thorton. 03:25:07

1 Q And on the first page, do you see where it
2 says "Today's Date"?

3 A Yes.

4 Q And it says "8-23-19"; is that correct.

5 A Yes. 03:49:06

6 Q Do you know what the purpose of the gender
7 support plan is?

8 A Yes. It's the -- to bring everybody together
9 that's working with the -- the student and come up
10 with a plan. 03:49:21

11 Q Has the gender support plan ever been
12 requested other than for B.P.J.?

13 A Yes.

14 Q When was it requested?

15 MS. DENIKER: Objection to the form. 03:49:38

16 THE WITNESS: I could not give you specifics
17 on that. I know it has been requested throughout
18 Harrison County.

19 BY MS. REINHARDT:

20 Q Who created this document? 03:49:48

21 A This document was initially created with
22 support from Dr. Cris Mayo at WVU and with our
23 Title IX investigator. She was kind of given the
24 role to develop a plan. And we have an adolescent
25 coordinator that works for seven counties that had 03:50:15

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1 been involved in some of this.

2 But it was with -- with Dr. Cris Mayo and my
3 Title IX director and just -- information, and they
4 put this together.

5 Q Do you recall when that was? 03:50:33

6 And I apologize if you said it and I did not
7 hear you.

8 A I'm trying to think of the year. '18 -- I'm
9 trying to think of the year. It would have been --
10 we had -- we had an issue a -- a few years ago, and 03:50:55
11 it generated this -- a need for it. As we
12 discovered, we had a need for this. So that's where
13 it came from.

14 I'm thinking 2018, the prior year. Might
15 have been '19. 03:51:13

16 Q And when you say there was a need for this,
17 can you -- can you explain what you mean by there
18 was a need for this?

19 MS. DENIKER: I'm going to object to the
20 form. I'm also going to object to any discussion 03:51:27
21 that is student-specific so we can avoid any HIPAA
22 issues.

23 THE WITNESS: Well, we have -- when our
24 administrators reach out and ask questions and we
25 had more students requesting to be called by other 03:51:46

1 we use, and -- and they're kept in the school file.

2 You have to understand that the kids that are
3 interacting -- or the people and -- and faculty that
4 are interacting with those children at the school
5 are the frontline people that need to know and -- so 03:53:30
6 it's kept there so the school has access to it and
7 input into it. They know the people involved.

8 Q Does sex change in WVEIS as a result of the
9 gender support plan?

10 A No. 03:53:55

11 Q I want to look at this first page where it
12 says "Meeting Participants."

13 Who is Sarah -- oh, I apologize, you've
14 already explained.

15 Sarah Starkey is the Title IX director; is 03:54:09
16 that correct?

17 A Yes, she is.

18 Q And why was she in attendance?

19 A When we began doing the gender support plans,
20 we put that under her purview, in her department. 03:54:24
21 So she is the one that's been with this from the
22 ground up. She's a great support for our -- our
23 administrators and our families. She also is a
24 social worker. She has an excellent background, a
25 Title IX investigator. She's the right person to be 03:54:40

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1 involved in this.

2 Q Does she attend all gender support plan
3 meetings?

4 A She is invited to all of them, and she tries
5 to. But we're a large county. Sometimes she is 03:54:53
6 not.

7 Q And again, I apologize if you've already
8 said, but who is Tarra Shields?

9 A Tarra Shields is the principal at
10 Norwood Elementary. 03:55:08

11 Q And who is Jasmine Lowther?

12 A Jasmine Lowther is the fourth-grade teacher
13 at Norwood Elementary.

14 Q And why was she at the gender support plan
15 meeting? 03:55:24

16 A Jasmine Lowther was the fourth-grade teacher.
17 This would have been done in August when school was
18 starting, and B [REDACTED] would have been going into the
19 fourth grade. So that would have been her classroom
20 teacher. 03:55:36

21 Q And, finally, why was Nurse Tina at the
22 gender support plan meeting?

23 A When we do a comprehensive plan at the
24 school, we generally bring in any health support
25 people. They're just usually part of the school 03:55:54